THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.10992 OF 2004

DATED: 27-7-2007

Between:

N.V.S. Ramayya

.. Petitioner

and

The Asst. Security Commissioner, Railway Protection Force, South Eastern Railway, now called as East-Coast Railway, Waltare Division, Waltare, Visakhapatnam District and another.

.. Respondents

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WRIT PETITION NO.10992 OF 2004

ORDER:

It appears, the petitioner was suspended from service with effect from 28.06.1994, pending enquiry into certain allegations leveled against him, and, thereafter, on 01.08.1996, charge sheet was issued proposing to impose a major penalty. However, subsequently, on 17.04.1998, suspension order was revoked and the petitioner was permitted to join duty. Ultimately, the disciplinary proceedings were concluded and, by an order dated 11.12.2001, the petitioner was imposed with a minor punishment of reduction of pay by one stage for a period of six months with cumulative effect. However, the suspension period was treated as such.

The petitioner contended that when the enquiry conducted had resulted in imposing a minor punishment, the period of suspension shall be treated as on duty and, therefore, in his case also, the period of suspension shall be treated as on duty and he shall be paid full salary for the said period of suspension. In this regard, the petitioner relied upon a circular No.55/86 Circular letter No.P (R) 654, dated 16.4.1986/21.4.86.

Be that as it may, it seems the petitioner preferred an appeal against the impugned order on 14.12.2001 and the same is pending before the 2nd respondent.

In view of the above, without expressing any opinion on merits, the 2nd respondent is directed to dispose of the appeal purported to have been filed by the petitioner on 14.12.2001, as per law and taking into consideration the circular referred to above, within a period of eight weeks from the date of receipt of a copy of this order and

communicate the same to the petitioner.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

C.V. RAMULU, J

27th July, 2007.
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